

COUNCIL PROCEEDINGS FOR MARCH 25, 2002

Meeting called to order at 7:00 P.M. by Mayor Pavel.

Pledge of Allegiance led by CM Pat Jacobson.

PRESENT: Councilmembers – Laura Carpenter, Frank Lukacs, Jason Nielsen, Julie Miller, Judy Murray, Pat Jacobson; Mayor Kelly Pavel, City Clerk Christine Lee, City Manager Clint Holmes, City Attorney Gerard Garno.

ABSENT: None.

CORRECTION AND APPROVAL OF MINUTES:

Motion by CM Miller, second by CM Carpenter, to approve the Minutes of March 11, 2002 as corrected. Motion Carried. (correction page 2 of 4 in Attorney's Report #1 add – "that Brown City was not responsible for Maplevue Estates Attorney's fees.")

PAY BILLS:

Motion by CM Murray, second by CM Lukacs, to pay the bills as presented in the following funds: General - \$8,744.39, Payroll - \$10,910.58, Sanitary Sewer - \$381.19, Major St. - \$230.18, Local St. - \$281.76, Investment - \$31,167.07. Motion Carried.

OLD BUSINESS:

1. City Ordinance Chapter 5 Work Session Scheduling: Pending.
2. Rezoning Request – Keith Muxlow: Pending

PUBLIC QUESTIONS AND COMMENTS: None

PERSONAL APPEARANCES: None.

ORDINANCES: None.

PETITIONS AND COMMUNICATIONS: Pre-application Building Permits –

1. William W. Wolfe Jr., 7107 Maplevue Circle Lot #1 – Replace Shingles.
2. Sherry Gilbert, 6896 Walter Street. – Replace Shingles.

Motion by CM Carpenter, second by CM Lukacs, to approve the pre-application building permit for William W. Wolfe Jr. and Sherry Gilbert as submitted. Motion Carried.

ATTORNEY'S REPORT:

1. A review of the contract revealed that Dynamic Consultants has a limit on malpractice liability. The City can pay an additional 10% for full malpractice coverage. Also, the City needs to check what the public liability policy limits are. Attorney Garno recommends the City pay the extra 10% for full malpractice coverage and make sure Dynamic Consultants have at least a one million dollar policy for public liability. The consensus of the Council was to table the contract until the City Manager confirms the extent of their public liability insurance limits.
2. Muskegon Area Rental Association vs City of Muskegon, 636 NW2d 751 – The City of Muskegon had enacted a property maintenance code setting out maintenance standards for all existing and new structures and additions to existing structures. The code also requires property owners to obtain a certificate of compliance before the property may be rented. In 1997, the City amended the ordinance to provide that the City shall issue a certificate of compliance for rental dwellings when the City finds that the rental dwelling complies with the standards set forth in the code: “however, no certificate of compliance shall be issued until all of the following fees and debts to the City have been paid in full: 1) all previously billed property taxes, [special assessments, water or sewer bills, miscellaneous charges, and fees arising from enforcement of the property maintenance code.]” The Supreme Court found that plaintiffs had not overcome their considerable burden of demonstrating that the City lacked any rational basis for its ordinance.

PUBLIC HEARING:

1. 7:15 PM = Amend Fiscal Year 2001-2002 Budget and Review Fiscal Year 2002-2003 Budget.

Mayor Pavel opened the Public Hearing at 7:15 PM.

County Commissioner William Walters asked if the City and Park millages were same as level last year. City Manager Holmes told Mr. Walters they are the same except for the reduction in the Park millage required by the Headlee millage rollback.

Mayor Pavel closed the Public Hearing at 7:17 PM.

Motion by CM Carpenter, second by CM Miller, to have the fees from the Nextel Tower lease go into the Water Fund to pay for water tower improvements. Motion Carried.

RESOLUTIONS:

1. No. 02-03 = To Amend the City's 2001-2002 Budget to Better Reflect Revenues and Expenditures.

Motion by CM Lukacs, second by CM Murray, to adopt Resolution # 02-03. However, General Fund should reflect a transfer of \$28,300 to Fund Equity/Sidewalk Reserve. ROLL CALL VOTE: Carpenter - yes, Lukacs - yes, Nielsen - yes, Miller - yes, Murray - yes, Jacobson - yes. 6 - Yes, 0 - No, 0 - Abstain, 0 - Absent. Motion Carried.

2. No. 02-04 = Formally Approving the City of Brown City's Millage Rate of 16.8733, and Brown City Park Millage Rate of ~1.1474 and the Fiscal Year 2002-2003 Budget.

Motion by CM Miller, second by CM Carpenter, to adopt Resolution #02-04. However, General Fund should reflect a fund equity transfer of \$28,300 not \$35,100 from the Sidewalk Reserve.

ROLL CALL VOTE: Carpenter - yes, Lukacs - yes, Nielsen - yes, Miller - yes, Murray - no, Jacobson - yes. 5 - Yes, 1 - No, 0 - Abstain, 0 - Absent. Motion Carried.

3. No. 02-05 = To Update the Employee Handbook.

Motion by CM Lukacs, second by CM Nielsen, to adopt Resolution #02-05.

ROLL CALL VOTE: Carpenter - yes, Lukacs - yes, Nielsen - yes, Miller - yes, Murray - yes, Jacobson - yes. 6 - Yes, 0 - No, 0 - Abstain, 0 - Absent. Motion Carried.

4. No. 02-06 = To Formally Apply for Assistance from the Michigan Department of Natural Resources to Enhance the Brown City Community Park.

Motion by CM Carpenter, second by CM Miller, to adopt Resolution #02-06.

ROLL CALL VOTE: Carpenter - yes, Lukacs - yes, Nielsen - yes, Miller - yes, Murray - yes, Jacobson - yes. 6 - Yes, 0 - No, 0 - Abstain, 0 - Absent. Motion Carried.

COMMITTEE REPORTS:

1. Building and Grounds (Carpenter) - None
2. Streets and Sidewalks (Lukacs) - Wanted to know why a hose was attached to the fire hydrant at the corner of St Marys and Second Streets. City Manager reported that the school was using water from the hydrant. DPW to recover the hose.
3. Police (Miller) - None
4. Water and Sewer (Nielsen) - None
5. Tax and Finance (Murray) - None
6. Personnel (Jacobson) -
 - A. City Office Employee's Pay Raise.

Motion by CM Jacobson, second by CM Lukacs, to award the following pay raises beginning April 1, 2002: 50 cents per hour for the Deputy Clerk, 50 cents per hour for the Personnel Clerk and 50 cents per hour for the bookkeeper. Motion Carried.

B. Police Officer's Pay Raise.

Motion by CM Jacobson, second by CM Miller, to award the following pay raises effective April 1, 2002: \$2.00 per hour for the Chief of Police, \$2.50 per hour the full time Officer, and \$2.00 per hour for part time Officers with an additional \$1.00 after 520 hours and \$1.00 after 1440 hours topping out at \$13.00 an hour. Motion Carried.

C. DPW Employee's Pay Raise.

Motion by CM Jacobson, second by CM Lukacs, to award the following pay raises effective April 1, 2002: \$2.50 per hour for the Supervisor, and 50 cents per hour for the staff after successful acquisition of four required licenses.

ROLL CALL: Jacobson - yes, Murray - no, Miller - no, Nielsen - yes, Lukacs - yes, Carpenter - no; 3 - Yes, 3 - No, 0 - Abstain, 0 - Absent. Mayor Pavel broke the tie with a no vote. Motion Denied.

D. City Manager's Pay Raise.

Motion by CM Jacobson, second by CM Carpenter, to give the City Manager a 5.28% raise, to bring his salary up to \$45,000.00 a year beginning April 1, 2002. ROLL CALL: Jacobson - yes, Murray - yes, Miller - yes, Nielsen - yes, Lukacs - yes, Carpenter - yes. 6 - Yes, 0 - No, 0 - Abstain, 0 - Absent. Motion Carried.

Chairperson Jacobson scheduled Personnel Committee meeting for Wednesday, April 3, 2002 at 7:00 PM, to renegotiate DPW wages.

CITY MANAGER'S REPORT:

- 1. Community Center:** Dynamic Consultants, the firm hired by the City to create the design for the community center/council chambers, provided a contract and are prepared to start. Initial plan is for them to take measurements of the building and then meet with City representatives to gain an understanding of exactly what we want. Do any of the Councilmembers wish to participate in the initial meeting? Council must approve the contract. Tabled until next meeting. See City Attorney's Report above.

- 2. Fire Department Grant Request:** The Department desires to apply for a Federal Emergency Management Agency (FEMA) grant. They are requesting funds for air tanks and masks, radios and confined space entry equipment. Once they provide the necessary information concerning equipment amounts and costs, I will write up the application. The on-line grant request must be completed by the end of the week. I have contacted Senator Stabenow's office and they have agreed to provide a letter of support. Does the Council wish to support this grant request?
Motion by CM Carpenter, seconded by CM Miller, to support the Fire Authority's application for a Federal Emergency Management Agency (FEMA) grant. Motion Carried

- 3. Scholarship Judging:** The Port Huron Times Herald plans to award ten high school seniors a \$1,000 scholarship. All seniors attending a public or private high school within St Clair and Sanilac counties are eligible. High school principals have been asked to nominate students, and applications are due by April 1st. Judges will meet April 15th and 21st to evaluate applications and interview finalists. I have been asked to serve as one of the judges and would like to do this if the Council approves. Council gave approval.

- 4. County Costs:** The Sanilac County Equalization Department has forwarded to the City the new agreement for data processing and printing services. This contract covers the costs of printing tax bills and assessment rolls. The contract is the same as last year except for increases in cost of services (about 1¢ in each category). Since the cost would be higher if the City was to do the work, recommend approval.

Motion by CM Miller, second by CM Jacobson, to accept the Sanilac County Equalization Department new agreement for data processing and printing services. Motion Carried.

5. Anytown.info: This new business is opening on Main Street (next to Mike's Barber Shop). They will create and update web sites for municipalities and businesses throughout the Thumb. The owner has secured a state business license and plans to be on-line with the first completed web pages in May.

6. City Hall: City Hall will be closed on Friday, March 29, 2002 (scheduled City holiday).

MAYOR'S REPORT: None

William Walters provided the Mayor and Council with a written report highlighting his first year's accomplishments as a Sanilac County Commissioner.

Motion by CM Lukacs, second by CM Carpenter, to adjourn the meeting at 8:32 PM. Motion Carried.

Respectfully Submitted,

Christine Lee
City Clerk